

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *JE* D.C.

05 OCT 18 AM 6:48

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

**ALMA ROBINSON,**

Plaintiff,

Case No.: 04-2333 D V

v.

**FIRST HORIZON EQUITY LENDING,**

Defendant.

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ORDER DENYING MOTION FOR EXTENSION OF TIME (DOCKET #37)

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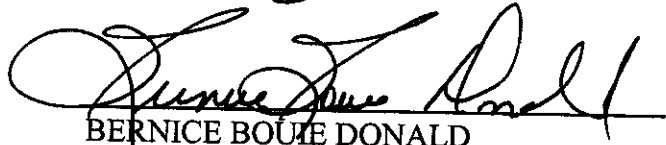
Before the court is the Plaintiff's September 26, 2005 motion for extension of time to respond to Defendant's motion for summary judgment. Plaintiff filed the instant case on May 5, 2004. On August 26, 2004, the Court issued a scheduling order fixing April 29, 2005 as the bar date for discovery, which deadline was later extended to May 31, 2005. The bar date for dispositive motions was ultimately fixed at June 30, 2005, and a trial on the merits was set September 26, 2005.

On June 30, 2005, Defendant filed its motion for summary judgment to which Plaintiff's response was due on or about August 4, 2005. On August 17, 2005, the Court issued a show cause order requiring Plaintiff to file a response on or before September 7, 2005. Plaintiff failed to file a timely response or ask for an enlargement of the time to respond. Some nineteen (19) days after the show cause date and approximately 120 days after the discovery bar date, Plaintiff made an initial request for permission to take discovery and enlarge the time to respond to Defendant's summary judgment motion. Notwithstanding the family circumstances referenced in Plaintiff's motion, the court finds that Plaintiff's request comes too late.

The record is virtually devoid of any affirmative steps by Plaintiff to prosecute this case during its seventeen (17) month history.

Accordingly, Plaintiff's motion is DENIED. The court will decide the summary judgment motion on the existing record.

IT IS SO ORDERED this 17<sup>th</sup> day of October, 2005.

  
BERNICE BOUIE DONALD  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 39 in case 2:04-CV-02333 was distributed by fax, mail, or direct printing on October 18, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT